

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FRANK BORAWSKI,

Plaintiff,

-against-

NORTHSTAR LOCATION SERVICES, LLC,

Defendant.

**VERIFIED COMPLAINT and DEMAND
FOR JURY TRIAL**

NOW COMES Plaintiff, Frank Borawski ("Plaintiff"), by and through his attorneys, Krohn & Moss, Ltd., for his Verified Complaint against Defendant, Northstar Location Services, LLC ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in Bozeman, Montana.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a limited liability company principally located in the state of New York, and conducting business in Montana.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant is principally located in the state of New York, and conducts business in Montana, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

Factual Allegations

10. In or around March of 2011, Defendant began placing collection calls to Plaintiff in attempt to collect on an alleged debt owed to Bank of America.

11. Defendant places collection calls to Plaintiff from 866-328-8252.

12. Around March of 2011, Defendant’s employee, Nancy Colbert (“Colbert”), left Plaintiff a voicemail stating that it was calling from Northstar Location Services and it was very important for Plaintiff to return the call. *See* transcribed voicemail attached as Exhibit A.

13. Colbert stated that she wanted to speak with Plaintiff to discuss how she could help him in a “positive manner.”

14. Defendant did not identify that it was a debt collector or that it was attempting to collect a debt. *See* Exhibit A.

CLAIM FOR RELIEF

15. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692e of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of a debt;
- b. Defendant violated §1692e(10) of the FDCPA by using false representation or deceptive means to collect or attempt to collect any debt or obtain information concerning Plaintiff; and
- c. Defendant violated §1692e(11) of the FDCPA by failing to disclose in its initial communication with Plaintiff that the Defendant is attempting to collect a debt and that information obtained will be used for that purpose, and by failing to disclose in subsequent communications that the communication is from a debt collector.

16. Plaintiff is entitled to his attorney's fees and costs incurred in this action.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: May 5, 2011

KROHN & MOSS, LTD.

By: 

Adam T. Hill

KROHN & MOSS, LTD.

120 W. Madison St., 10th Fl.

Chicago, Illinois 60602

Telephone: 312-578-9428

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ahill@consumerlawcenter.com

Attorney for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Frank Borawski, hereby demands a jury trial in this matter.

VERIFICATION

STATE OF MONTANA)

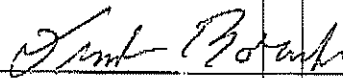
:ss.:

Plaintiff, Frank Borawski, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Frank Borawski, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 4/8/11



Frank Borawski

EXHIBIT A

This message is intended solely for Frank Borawski. If you are Frank Borawski, please continue to listen to this message. Otherwise, please press "delete" now. By continuing to listen to this message you do acknowledge that you are Frank Borawski. Frank my name is Nancy Colbert. I am with Northstar Location Services. My number is 1-866-328-8252 and my extension is 2143. I do need to speak with you and would appreciate a return call. I need to also let you know that this is Saturday and we are open until 4 p.m., although I am only available until 2 p.m. and again that is Eastern Time, so perhaps Monday might be better, which I will be available after 1:30 Eastern Time. Thank you. Nice speaking with you.

This message is intended solely for Frank Borawski. If you are Frank Borawski, please continue to listen to this message. Otherwise, please press "delete" now. By continuing to listen you acknowledge that you are Frank Borawski. Frank my name is Nancy Colbert. I am with Northstar Location Services. My number is 1-866-328-8252 and my extension is 2143. It is very important for you to return this call and as you know I have been trying to reach you for several days, so give me a quick call, so I can share with you some options of how I could assist you in a positive manner and I also want to let you know that I am going to be gone here in about 30 minutes, but I am back in again at 8 in the morning, so we can talk all day tomorrow. Thank you for returning my call.